

Application No.: 09/870957  
Group Art Unit: 1746

Docket No.: IIW-003

### **REMARKS**

In the foregoing amendment, claims 1, 13, 24, 25, 34, 40 and 42 are amended, and claims 14, 21, 23, 26, 31, 38 and 41 are canceled. Pending in the application are claims 1, 2, 11-13, 15, 17, 19, 22, 24, 25, 34, 35, 39, 40, 42 and 43, of which claims 1, 13, 34, 39 and 40 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

#### **Patentable Subject Matter**

Applicants thank the Examiner for the close review of the claims and for identifying that claim 39 recites patentable subject matter. Claims 14, 21, 41 and 42 are also indicated to recite patentable subject matter and would be allowable if rewritten in independent form. Claims 34 and 35 are also indicated to recite patentable subject matter and would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112, second paragraph set forth in the Office Action. Applicants appreciate the Examiner's indication of allowability of the claims.

#### **Claim Amendments**

Applicants amend claims 1, 13 and 40 by incorporating the allowable subject matter recited in claims 21, 14, and 41, respectively. Claims 21, 14, and 41 are subsequently canceled. Claims 24-25 and 42 are amended to depend upon allowable amended claims 1 and 40, respectively. Claims 23, 26, 31 and 38 are canceled. The foregoing claim amendments should in no way be construed to be an acquiescence to any of the art rejections. In particular, claims 23, 26, 31 and 38 were not cancelled in light of the applied art. Rather, Applicants amend claims 1, 13, 24, 25, 40 and 42 and cancel claims 14, 21, 23, 26, 31, 38 and 41 to expedite the prosecution of the pending application. Thus, Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

#### **Claim Objections**

Claims 31, 34 and 38 are objected to because of minor informalities. In the foregoing claim amendments, Applicants cancel claims 31 and 38 and amend claim 34 to address the

Application No.: 09/870957  
Group Art Unit: 1746

Docket No.: IIW-003

informalities. In light of the foregoing claim amendments, Applicants request the Examiner to withdraw the objection to claims 31, 34 and 38.

Claim Rejections - 35 U.S.C. §112

Claims 34 and 35 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In the foregoing claim amendments, Applicants amend claim 34 to restore a deleted limitation, as suggested by the Examiner. In light of the foregoing claim amendments, Applicants request the Examiner to withdraw the rejection of claims 34 and 35, and pass the claims to allowance.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, 23 and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 58-164157. Applicants respectfully traverse the rejection in light of the following reasons.

In the foregoing claim amendments, Applicants amend claim 1 to incorporate the allowable subject matter recited in claim 21, and cancel claims 23 and 26. Claim 2 depends on claim 1. In light of the foregoing claim amendments, Applicants request the Examiner to withdraw the rejection of claims 1, 2, 23 and 26 under 35 U.S.C. §102(b) and pass claims 1 and 2 to allowance.

Claim Rejections - 35 U.S.C. §103

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP 58-164157. Claim 22 depends upon amended claim 1, which incorporates allowable subject matter recited in claim 21. In light of the foregoing claim amendments, Applicants submit that claim 22 is not rendered obvious over the cited reference. Applicants therefore request the Examiner to withdraw the rejection of claim 22 under 35 U.S.C. §103(a) and pass the claim to allowance.

Application No.: 09/870957  
Group Art Unit: 1746

Docket No.: IIW-003

Claim Rejections - 35 U.S.C. §103

Claims 11-13, 15, 17, 19, 24, 25, 31, 38, 40 and 43 under 35 U.S.C. 103(a) as being unpatentable over JP 58-164157 in view of U.S. Patent No. 5,543,238. Applicants respectfully traverse the rejection in light of the following reasons.

In the forgoing claim amendments, Applicants amend claims 13 and 40 to incorporate allowable subject matter recited in claims 14 and 41, respectively, and cancel claims 31 and 38. Claims 11 and 12 depend upon claim 1, and claims 24 and 25 are amended to depend upon claim 1. Claims 15, 17 and 19 depend upon amended claim 13, and claim 42 upon amended claim 40. In light of the foregoing claim amendments, Applicants request the Examiner to withdraw the rejections of claims 11-13, 15, 17, 19, 24, 25, 31, 38, 40 and 43 under 35 U.S.C. 103(a) and pass claims 11-13, 15, 17, 19, 24, 25, 40 and 43 to allowance.

Application No.: 09/870957  
Group Art Unit: 1746

Docket No.: IIW-003

Conclusion


For the reasons set forth above, Applicants contend that claims 1, 2, 11-13, 15, 17, 19, 22, 24, 25, 34, 35, 39, 40, 42 and 43 are in condition for allowance. As such, the Examiner's objections and rejections should be reconsidered and withdrawn. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicants' representative.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. IIW-003 from which the undersigned is authorized to draw.

Dated: April 4, 2005

Respectfully submitted,

By   
Anthony A. LaRuffano  
Registration No.: 38,220  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant